

Entered -06-12-00 - sb  
CL 00L0336 - ALEXIS HOLMES

00-R-1770

CLAIM OF: **CHRISTOPHER WHITE**  
**Patrick R. Matarrese, Esq.**  
**MONTLICK & ASSOCIATES**  
**17 Executive Park Drive**  
**Suite 310**  
**Atlanta, Georgia 30347-0406**

For personal injury and vehicular damages alleged to have been sustained from a police pursuit involving the Austell, the DeKalb, and the City of Atlanta Police Departments, on December 26, 1999, on Memorial Drive and Covington Highway.

**THIS ADVERSE REPORT IS  
APPROVED:**

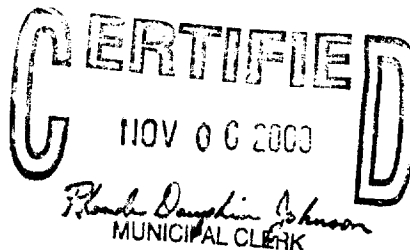
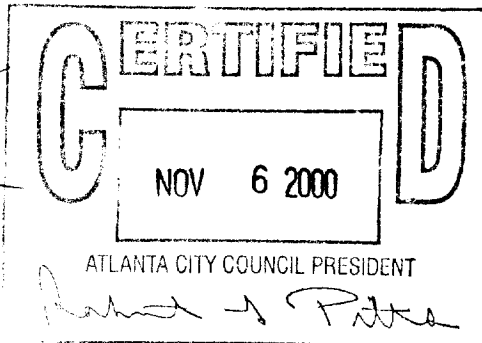
BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**ADVERSE REPORT** **CONSENT AGENDA**

DM. Public Safety ADVERSED BY  
CITY COUNCIL NOV 06 2000

TE 10/31/00

Clara Henrich  
Dany Smith  
Markell R. [unclear]  
[unclear]  
Cherry Dorsy





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 16, 2000

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Montlick & Associates  
Patrick R. Matarrese  
Attorney at Law  
17 Executive Park Drive  
Suite 310  
Atlanta, GA 30347-0406

**00-R-1770**

**RE: Christopher White**

Dear Attorney Matarrese:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0336

Date: 10/19/00

Claimant /Victim **CHRISTOPHER WHITE**

BY: (Atty) PATRICK R. MATARRESE, ESQ., MONTLICK & ASSOCIATES.

Address: 17 Executive Park Drive - Suite 310 P.O. Box 95406 - Atlanta, Georgia 30347-0406

Subrogation:            Claim for Property damage \$            Bodily Injury \$600.00

Date of Notice: 6/02/00 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)           

Date of Occurrence 12/26/99 Place: Memorial Drive and Covington Highway

Department POLICE Division:           

Employee involved            Disciplinary Action:           

**NATURE OF CLAIM:** The Claimant alleges that he was injured as a passenger in an automobile collision as a result of a vehicular pursuit involving Austell, DeKalb and City of Atlanta Police Departments. An investigation determined that Claimants' vehicle was struck by a 1989 Buick LaSabre that was fleeing Police. The City is not responsible for the tort actions of third parties. Furthermore, under O.C.G.A. § 36-33-3, the City of Atlanta is not liable for tort actions of its police or other officers.

### **INVESTIGATION:**

Statements: City employee            Claimant X Others            Written            Oral           

Pictures            Diagrams            Reports: Police X Dept Report            Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### **BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial           

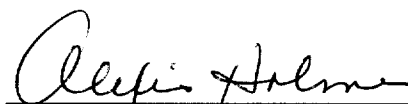
Improper Notice            More than Six Months            Other            Damages reasonable           

City not involved X Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

### **RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01           

Claims Manager:  Concur/date 10-19-00

Committee Action:            Council Action

**MONTLICK & ASSOCIATES, P.C.**  
**ATTORNEYS AT LAW**

17 EXECUTIVE PARK DRIVE • SUITE 310  
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406  
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

JORDAN  
06/02/00  
Du

May 31, 2000

ENTERED - 6-12-00 - SB  
00L0336 - DOBBS JORDAN

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Bill Campbell  
Mayor, City of Atlanta  
2400 City Hall  
55 Trinity Ave, SW  
Atlanta, Georgia 30335

Clifford Hardwick  
City Attorney of Atlanta  
4100 City Hall Tower  
68 Mitchell Street  
Atlanta, Georgia 30335

CC: 00L0334

Beverly Harvard  
Chief of Police  
Atlanta Police Department  
175 Decatur Street  
Atlanta, Georgia 30335

**RE: ANTE LITEM NOTIFICATION**  
**Pursuant to O.C.G.A. §§ 36-33-5 & 50-21-26**

Our Client: Carlton Gregory, Jr.; Julon Gregory,  
Christopher White and Carlton  
Gregory, Sr.  
Date of Incident: December 26, 1999  
Location: Joe Jerkins Blvd. Austell, Georgia  
through intersection of Memorial  
Drive and Covington Highway,  
Decatur Georgia.

Dear Sirs and Madam:

Please be advised that this firm represents the interests of Carlton Gregory, Jr.; Julon Gregory; Christopher White and Carlton Gregory Sr. for injuries received as a result of an incident on December 26, 1999. This letter shall constitute ante litem notice pursuant to applicable statutes.

**FACTS**

On or about December 26, 1999, at or about 11:20 p.m., just one day after Christmas, Julon Gregory was operating a 1990 Geo Prizm, owned by Carlton Gregory, Sr. Carlton Gregory, Jr. and Christopher White were passengers in the subject 1990 Geo Prizm, seated in the back seat. Mr. Gregory's vehicle was proceeding under a green light through the intersection of Memorial Drive and Covington Highway, Dekalb County, Georgia when suddenly and without warning his vehicle was broadsided at a high rate of speed by a 1989 Buick LeSabre motor vehicle operated by Keon J. Almon. At time of the collision, Keon J. Almon was being

pursued by Sgt. John L. Poulk of the K-9 Unit of the Austell Police Department and Atlanta Police Units. It is our understanding and belief based on our investigation that Officer Poulk and the Atlanta Police did not follow proper protocol, initiated and continued a high speed chase through several jurisdictions and unnecessarily endangered the lives of the motoring public, to wit: Carlton Gregory, Jr., Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages as a result of the subject collision.

### **LIABILITY**

This incident occurred as a result of the negligence of Sgt. John L. Poulk and the Atlanta Police, and any and all other employees of the City of Austell and City of Atlanta who ignored his/their public duty to the safety of the driving public by participating in an improper and unsafe high speed chase, failing to exercise and follow proper protocol thereby exposing Carlton Gregory Jr. and Julon Gregory as well as any and all other individuals injured and/or who suffered damages to unnecessary harm and injury. Officer Poulk and Atlanta Police continued to chase Keeon J. Almon through Dekalb County with his siren and lights turned off. Officer Poulk's and Atlanta City Police's conduct was in reckless disregard of the safety of Carlton Gregory, Jr.; Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages in the subject collision.

This claim is based on general theories of negligence under Georgia Law including but not limited to O.C.G.A. § 40-6-6-(d)(1). Additional theories of negligence may include the negligent hiring and retention of an employee and the negligent supervision of the employee. At this time these theories are not inclusive and additional theories may be alleged as our investigation continues.

You are hereby informed that Carlton Gregory, Jr., Julon Gregory, Christopher White and Carlton Gregory, Sr. make their claims as a result of the negligence of the City of Austell and its employee John L. Poulk, Atlanta Police Officers and any and all other employees of the city of Austell and the city of Atlanta who may have caused or contributed to the cause of Carlton Gregory, Jr., Julon Gregory and Carlton Gregory, Sr. injuries and losses who are not yet known. We ask that you please investigate this matter and contact us upon completion of your investigation. This notice is presumed to comply with all notice requirements unless you advise us differently within ten (10) days of the date of this letter.

### **INJURIES**

#### **CARLTON GREGORY, JR.:**

Carlton Gregory, Jr. was 15 years old at the time of the collision. He was a passenger, seated in the passenger side, rear seat, of his father's vehicle. Unfortunately the point of impact was at the exact area of where Carlton Jr. was seated. The speed of the chase vehicle is estimated at somewhere between 60mph to 80mph at the time of impact. Carlton Jr. suffered a fractured neck as a result of the impact.

Carlton, Jr. was rushed by ambulance to Dekalb Medical Center where CT scans demonstrated a C4 on C5 cervical vertebrae subluxation and C5 fracture with C4 facet fracture. Carlton, Jr. was then transferred to Egleston Children's Hospital for further medical care.

Upon admission to Egleston Children's Hospital, a MRI was performed which revealed a 20-degree angulation on C4 and C5 and an associated 5-mm subluxation. On December 29<sup>th</sup>, the treating physician performed an external reduction of the subluxation using a halo traction modality. A few days later another MRI was performed that showed continued subluxation with a traumatic disk herniation. The herniation was pressing upon the spinal cord.

On January 5, 2000, Orthopaedic surgeons performed invasive surgery instituting a C3 through C5 arthrodesis with auto graft lateral mass plating. Carlton, Jr. remained in the pediatric intensive care unit until January 10, 2000. Carlton endured a most serious and painful injury, celebrated the transition into the year 2000 in the intensive care ward, and was millimeters away from complete paralysis. Carlton Jr. will be compromised for the rest of his life as a direct result of his injuries.

We are enclosing copies of Carlton's medical records and billing statements that we have obtained to date from Dekalb County EMS, Dekalb Medical Center, Radiology Associates of Dekalb, Egleston Children's Hospital, the Emory Clinic – Pediatric Neurosurgery for your review. We will provide you with additional medical records and bills, as they become available.

*Carlton's medical expenses are in the approximate amount of \$47,137.*

**JULON GREGORY:**

Julon and Carlton are brothers. Julon is seventeen years old. Julon Gregory suffered chest wall contusion, neck, shoulder head and back soft tissue injuries.

We are enclosing the medical records and billing statements we have obtained to date from Dekalb Medical Center, Radiology Associates of Dekalb and Rehab Orthopedic Medicine regarding treatment for Julon's injuries.

*Julon's medical expenses are in the approximate amount of \$2,458.*

**CHRISTOPHER WHITE:**

Christopher White was a passenger in Julon Gregory's motor vehicle. Christopher suffered contusions and soft tissue injuries. Christopher was treated at Dekalb Medical Center. We will provide you with copies of Christopher's medical records and bill upon receipt thereof.

*Christopher's medical expenses are in the approximate amount of \$600.*

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773